

### REMARKS

Applicants have carefully considered this Application in connection with the Examiner's Action, and respectfully request reconsideration of this Application in view of the above Amendment and the following remarks.

Pending in the application are Claims 1 – 4, 7 – 9, and 11 – 15.

#### I. Rejections Under 35 U.S.C. §112

Claims 4, 8 – 9, and 13 – 15 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite.

To support the amendment to Claim 4, Applicants have amended Claim 1 to clarify that the compounds are not fully alkylated, in that at least one  $R_1$  group is H and the remaining entire 11 or fewer of 11  $R_1$  groups are  $CH_2CO_2K$ . Applicants respectfully assert that it is apparent from the claim that the compound shown in Formula 1 has a total of twelve  $R_1$  groups. If the compound shown in Formula 1 were fully alkylated, then all twelve  $R_1$  groups would be  $CH_2CO_2K$ . However, as described in the original version of Claim 1, at least one  $R_1$  group must be H, so the compound in Formula 1 can never be fully alkylated. Thus, at least one  $R_1$  group is H and, depending on how many  $R_1$  groups are H, the remaining 11 or fewer  $R_1$  groups are  $CH_2CO_2K$ .

Claim 4 has been amended to clarify that it is a mixture of the compounds of Claim 1, wherein each compound in the mixture has a different degree of alkylation. As described in Claim 4, and due to its dependency on Claim 1, each compound in the mixture is not fully alkylated. Specifically, each compound in the mixture has no more than 11  $R_1$  groups which are  $CH_2CO_2K$ . Furthermore, each compound in the mixture described in Claim 4 can have a different degree of alkylation, in that each compound independently can have between 1 and 11  $R_1$  groups that are  $CH_2CO_2K$ .

Applicants have not amended Claims 8 – 9 because the Examiner's reason for rejecting these claims under 35 U.S.C. §112 remains entirely unclear. In the original Office Action dated Nov. 24, 2004, the Examiner asserted that "Claims 4, 8 – 9, and 13 recite the limitation 'formula I' in 'formula I having different degrees of alkylation.'" However, it is abundantly clear that Claims 8 – 9 contain no such language. Claims 8 – 9 are dependent upon Claims 1 – 4, however. If the Examiner's rejection of Claims 8 – 9 is based on their dependency on Claims 1 – 4, then Applicants respectfully assert that the amendments to Claims 1 and 4 have overcome these rejections. Applicants respectfully request that the Examiner withdraw the rejections of Claims 8 – 9 or at least provide an additional explanation as to why these claims have been rejected.

Applicants have amended Claims 13 – 14 to clarify that the method of treatment involves administering compounds of Claim 1 or Claim 3, all of which may have different degrees of alkylation. As described above with regard to the amendments to Claims 1 and 4, the number of R<sub>1</sub> groups that are CH<sub>2</sub>CO<sub>2</sub>K independently ranges from 1 to 11 for each compound in the mixture. None of the compounds may have 12 R<sub>1</sub> groups that are CH<sub>2</sub>CO<sub>2</sub>K because this would indicate full alkylation. As the claims require, none of the compounds in the mixture can be fully alkylated. Applicant respectfully asserts that these amendments fully clarify the meaning of "having different degrees of alkylation."

Applicants have also amended Claim 15 to specify that this claim is dependent on Claims 12 – 14. This amendment corrects an inadvertent error in the original wording of the claim. Clearly, Claim 15 is intended to be dependent upon the method of treatment claims. Furthermore, in view of the amendments made above to Claims 13 – 14, Applicants respectfully assert that the rejection of Claim 15 under 35 U.S.C. §112 should be withdrawn.

## II. Rejections Under 35 U.S.C. §103(a)

Claims 1 – 2, 4, 7 – 9, and 12 – 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harris (WO 95/19974) in view of Aldrich (page 811, 1999). The Examiner states that the claimed compounds differ from those of Harris because the R<sub>2</sub> of the claimed compounds is para-fluorobenzene rather than meta-bromobenzene. The Examiner also states

that this substitution would have been obvious in view of Aldrich. Furthermore, the Examiner has stated that the current claims can pertain to compounds having partial and full degrees of alkylation, such as the compounds shown in Harris.

Applicants respectfully assert that the compounds disclosed in Harris are all fully alkylated compounds. In Harris, the compounds are either entirely non-alkylated or fully alkylated. Harris teaches that  $R_{12}$  can be exclusively H or exclusively  $CH_2CO_2M$ , but never a combination of the two. See Harris, Page 8, lines 14 – 36. By contrast, the claims, as amended, clearly do not encompass fully alkylated compounds. If the compounds were fully alkylated, then all 12  $R_1$  groups would be  $CH_2CO_2K$ . However, the claims specifically require that at least one  $R_1$  group must be H. Thus, it is literally impossible for the compounds of the current claims to be fully alkylated. The compounds of the current claims must be partially alkylated. Harris simply does not teach or suggest compounds that are partially alkylated. Selective alkylation of the compounds is difficult to accomplish, as is well known in the art. Nothing in Harris suggests that partial alkylation of the compounds is either feasible or desirable.

In light of the above reasons, it is submitted that Claims 1 – 2, 4, 7 – 9, and 12 – 15 are not obvious in light of the combined teachings of Harris and Aldrich.

III. **Conclusion**

Applicants respectfully submit that, in light of the foregoing Amendment and comments, Claims 1 – 4, 7 – 9, and 11 – 15 are in condition for allowance. A Notice of Allowance is therefore requested.

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

Respectfully submitted,



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